

PROB 12C  
(7/93)

Report Date: November 20, 2012

## United States District Court

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

for the

NOV 20 2012

Eastern District of Washington

JAMES R. LARSEN, CLERK  
DEPUTY  
RICHLAND, WASHINGTON

## Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Alfred L. Hawk

Case Number: 2:09CR02034-001

Address of Offender:

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea, Senior U.S. District Judge

Date of Original Sentence: 12/17/2010

Original Offense: Conspiracy, 18 U.S.C. § 371  
 Taking, Transporting, Offering and Selling Eagles, 16 U.S.C. § 668(a)  
 Transporting and Selling Wildlife with a Market Value in Excess of \$350,  
 14 U.S.C. § 3372(a) & 3373(d)(1)(B)  
 Taking, Transporting Offering and Selling Eagles, 16 U.S.C. § 668(a)

Original Sentence: Prison - 6 Months  
 TSR - 24 Months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Timothy J. Ohms

Date Supervision Commenced: 10/11/2012

Defense Attorney: Diane E. Hehir

Date Supervision Expires: 9/10/2013

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 PETITIONING THE COURT

## To issue a summons.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1

**Mandatory Condition #2:** The defendant shall not commit another Federal, state, or local crime.

**Supporting Evidence:** Mr. Hawk was charged with Department of Fish and Wildlife violations: loaded weapon in a vehicle he operated in a game refuge, non Yakama in the vehicle, no permit night hunting with spot light, and liquor violation on October 26, 2012.

According to the Yakama Nation Fish and Wildlife narrative report, on October 26, 2012, at 2300 hours, a Department of Fish and Wildlife officer stopped a dark blue jeep 4-door sport utility vehicle, Washington license number AHX 4264. Three male subjects were identified, the driver being Mr. Hawk. The officer located a rifle on the back seat of the vehicle within reach of all three subjects. The rifle was confiscated and found to be loaded with a round in the barrel. Two more rounds were later found on the floor where the front passenger was seated. The officer then checked the rear of the vehicle and found Coors

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Light beer in large cans. The officer asked Mr. Hawk if he was aware alcohol is not allowed in the closed area, and if he understood that no one can hunt or possess a firearm in the game refuge. He stated he was aware of these regulations. According to the officer, while he was questioning Mr. Hawk, he could smell an odor of alcohol coming from him. A large can of beer, cold to the touch, was found on the passenger seat area and was the same as the one found in the back of the vehicle.

Per the officer's narrative, the statement from Mr. Hawk states they entered the Mill Creek guard station around 2200 hours with beer and a rifle. One of the passengers also made a statement that the rifle was in his use, as he obtained it from a relative to hunt with. The rifle was a Ruger 243 bolt action model M77.

According to the officer, he intended to impound the vehicle, as Mr. Hawk was found under the influence of alcohol and did not have a valid license. He was issued a citation and the officer ordered Mr. Hawk to clear this matter in court. One of the passengers was determined to be sober and had a valid license to drive the vehicle.

- 2      **Standard Condition #11:** The defendant shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer.

**Supporting Evidence:** Mr. Hawk failed to notify his probation officer of having law enforcement contact within 72 hours of being cited for: having a loaded weapon in vehicle he operated in game refuge, non Yakama in vehicle, no permit night hunting with spot light, and liquor violation on October 26, 2012.

On November 13, 2012, Mr. Hawk reported to the probation office to fill out his monthly report form. Mr. Hawk was questioned regarding law enforcement contact and for being cited for hunting in a closed area. Mr. Hawk initially denied involvement in the incident, however, he then changed his mind and admitted to the citation.

- 3      **Standard Condition #2:** The defendant shall report to the probation officer and shall submit a truthful and complete written report within the first 5 days of each month.

**Supporting Evidence:** Mr. Hawk was untruthful with his monthly report form dated November 13, 2012, by answering "no" to being questioned by a law enforcement officer and answering "no" to if he possessed or had access to a firearm on his monthly report form.

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The U.S. Probation Office respectfully recommends the Court issue a summons requiring the defendant to appear to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 11/20/2012

s/Jose Zepeda

Jose Zepeda  
U.S. Probation Officer

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#### THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☒ The Issuance of a Summons
- ☐ Other



Signature of Judicial Officer



Date